

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney
THOMAS MOORE (ASBN 4305-O78T)
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Assistant United States Attorney
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Attorneys for the United States of America

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

**UNITED STATES OF AMERICA and
CRAIG HARBRIDGE, Revenue Agent,**

Petitioners,

v.

PAUL J. SHOLTZ,

Respondent.

No. C-07-04234 JW

**DECLARATION OF THOMAS MOORE
IN SUPPORT OF MOTION TO FIND
RESPONDENT IN CONTEMPT**

I, THOMAS MOORE, pursuant to 28 U.S.C. Subsection 1746, declare and state as follows:

1. I am employed as an Assistant United States Attorney with the United States Attorney's Office in San Francisco California. As part of my official duties, I have been assigned to represent the United States in the above-entitled matter.

2. On December 26, 2007, after receiving this Court's order enforcing the summonses, I sent a letter to the respondent informing him of the order and that I would seek an order holding him in contempt of Court, if he did not comply with the summonses by February 18, 2008. A true and correct copy of that letter is attached hereto as Exhibit 1.

3. On January 11, 2008, the US Attorney's Office received a tax-protestor type letter from the respondent. A true and correct copy of the letter is attached hereto as Exhibit 2.

///

1 4. On January 12, 2008, I sent another letter to the respondent reminding him of his
2 obligations and informing that I would seek a contempt order imposing a fine or his detention if
3 he failed to comply with the summons by February 18, 2008. A true and correct copy of that
4 letter is attached hereto as Exhibit 3.

5 5. The respondent did not did not provide the IRS with the testimony or documents
6 as required by the summons or the Order Granting Petition To Enforce IRS Summonses.

7 6. I declare under penalty of perjury that the foregoing is true and correct.

8 Executed on February 20, 2008, San Francisco, California.

9 
10 _____
 THOMAS MOORE

United States Attorney
Northern District of California

SNS:TM

David L. Denier
Thomas Moore
Cynthia Stier
Thomas M. Newman

9th Floor, Federal Building
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102

(415) 436-7017
FAX:(415) 436-6748
FAX:(415) 436-6927

December 26, 2007

Paul J. Sholtz
500 West Middlefield Road, #99
Mountain View, California 94043

Re: ***United States of America, et al. v. Paul J. Sholtz***
No. C. 07-4234-HRL ***USDC NDCA***

Dear Mr. Sholtz:

I hope you have reconsidered your decision not to comply with the IRS summonses. As I wrote before, remember that no matter how far you travel on the wrong road, you should turn back to the right road.


For your convenience I have enclosed is a copy of the order enforcing the summonses. You may call Mr. Harbridge at 408-8176432 to schedule an appointment to provide him with the requested records and testimony. Remember you must comply February 18, 2008.

You should be aware that if you do not comply by February 18, 2008, I will ask the Court to impose a monetary fine and/or imprison you until you comply with the summonses. Accordingly, will you please reconsider your decision not to comply with the summonses before you make matters worse.

If you have any questions please call me regarding this matter at 415-436-7017.

Very truly yours,

SCOTT N. SCHOOLS
United States Attorney


THOMAS MOORE
Assistant United States Attorney
Tax Division

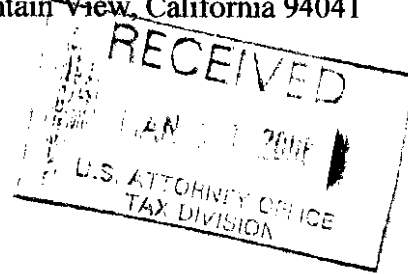
Encl.: As stated.

Exh. 1

January 8, 2007

Paul J. Sholtz
650 Castro Street, Suite 120-485
Mountain View, California 94041

Scott N. Schools
9th Floor, Federal Building
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102



Dear Servant,

The District Court's decision, to which you refer in your communication dated December 26, 2007, is in fact a void judgment rendered by a court without any standing in law (vide Exhibit A).

You are to comply with the following tasks immediately:

- You have failed to cite any authority – legal, statutory or otherwise – for the thinly veiled threats in your communication. This puts you in violation of any number of federal statutes concerning Color of Law, including 18 U.S.C. § 242, 18 U.S.C. § 245 and 42 U.S.C. § 1983. I am extending to you this opportunity to explain your criminal misconduct in this regard. Be advised that should your explanation please me, I may be willing to extend to you a general amnesty regarding this instant matter.
- You are to provide me with a copy of your Oath of Office.

You have three business days, upon receipt of this notice, to comply with this order.

You are to forward your response to this order to the Mountain View address cited above.

Without Prejudice, All Rights Reserved,

A handwritten signature in black ink, appearing to read "Paul J. Sholtz".

Paul J. Sholtz

Exh. 2

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK

450 GOLDEN GATE AVENUE
SAN FRANCISCO, CA 94102
(415) 522-2000
FAX (415) 522-2176

June 25, 2007

Paul J. Sholtz
500 West Middlefield Road, #99
Mountain View, CA 94043

Dear Mr. Sholtz:

I received your attached letter of June 20, 2007. You have requested three items:

1. Document identifying the Article of Constitution under which the court was established;
2. Document describing the territory that comprises the court's judicial district;
3. Copy of the Jury Service and Selection Plan.

The first two items involve matters of legal research and advice which neither I nor any member of my staff may provide you. Item 3 may be found under "General Orders" on the court's Internet website. See General Order No. 6.


Sincerely,



RICHARD W. WIEKING
Clerk

Attachment

EXHIBIT A

| | | |
|--|---|--|
| Form COL | Violation Warning Denial of Rights Under Color of Law ► Violation Warning—18 U.S.C. §242; 18 U.S.C. §245; 42 U.S.C. §1983 | |
| Name and address of Citizen PAUL SIKUTZ 800 W. WINDLEFIELD RD, #99 MOUNTAIN VIEW, CA 94043 | Name and address of Notice Recipient SCOTT SCHOOLS 470 GOLDEN GATE, #3605J SF, CA 94102 | |
| Citizen's statement: ATTORNEY ISSUING THREATS, W/O CITING SUPPORTING LAWS | | |
| I certify that the forgoing information stated here is true and correct. Citizen's signature ►  Date ► 1/8/08 | | |

Legal Notice and Warning

Federal law provides that it is a crime to violate the Rights of a citizen under the color-of-law. You can be arrested for this crime and you can also be held personally liable for civil damages.

Attempting to cause a person to do something by telling that person that such action is required by law, when it is not required by law, may be a felony.

18 USC §242 provides that whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States ... shall be fined under this title or imprisoned not more than one year, or both.

18 USC §245 provided that Whoever, whether or not acting under color of law, intimidates or interferes with any person from participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; [or] applying for or enjoying employment, or any perquisite thereof, by any agency of the United States; shall be fined under this title, or imprisoned not more than one year, or both.

42 USC §1983 provides that every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Warning, you may be in violation of Federal Law and persisting with your demand may lead to your arrest and/or civil damages! Also understand that the law provides that you can be held personally responsible and liable, as well as your company or agency.

You are advised to cease and desist with your demand and to seek *personal* legal counsel if you do not understand the law.

Notice of Service:

I, _____ certify that I personally delivered this notice to above named recipient and address on _____ at _____

United States Attorney
Northern District of California

JPR:TM

David L. Denier
Thomas Moore
Cynthia Stier
Thomas M. Newman

9th Floor, Federal Building
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102

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January 12, 2008

Paul J. Sholtz
500 West Middlefield Road, #99
Mountain View, California 94043

Re: *United States of America, et al. v. Paul J. Sholtz*
No. C. 07-4234-HRL USDC NDCA

Dear Mr. Sholtz:

We received your letter of January 8, 2008. We regret that you have not chosen to comply with the Court's Order Granting Petition to Enforce Summonses. As we told you before, we will ask the Court to hold you in contempt if you do not comply with the Order by February 18, 2008.

As we previously informed you, Courts often impose a monetary fine and/or imprison individuals who wilfully disobey Court orders. Your letter indicates that you do not believe that the Court has these powers. All courts of the United States possess the inherent power to enforce their Orders by contempt proceedings and to compel the performance of the actions commanded by those Orders. Cheff v. Schnackenberg, 384 U.S. 373 (1966). So great is this Court's civil contempt power that its sanctions extend to conditional imprisonment and fines to compel compliance with its Orders. United States v. Asay, 614 F. 2d 655, 659 (9th Cir. 1980); 28 U.S.C. Section 1651(A); Rule 70 of the Federal Rules of Civil Procedure^{1/}; 26 U.S.C. Section 7604(b).

For your convenience I have enclosed is a copy of the order enforcing the summonses and the summonses. You may call Mr. Harbridge at 408-817-6432 to schedule an appointment to provide him with the requested records and testimony by February 18, 2008.

If you do not fully comply with the Order by the 4:00 p.m. close of business on February 18, 2008, I will immediately ask the Court to fine you and/or imprison you until you comply with the order.

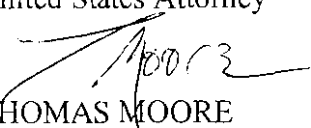
^{1/} Rule 70 of the Federal Rules of Civil Procedure provides in pertinent part:

If a judgment directs a party to ... perform any other specific act and the party fails to comply within the time specified, the court may direct the act to be done at the cost of the disobedient party by some other person appointed by the court.... The court may also in proper cases adjudge the party in contempt.

If you have any questions, please call me regarding this matter at 415-436-7017.

Very truly yours,

JOSEPH P. RUSSONIELLO
United States Attorney



THOMAS MOORE
Assistant United States Attorney
Tax Division

Encl.: As stated.